

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

ADJUSTACAM LLC

v.

AMAZON.COM, INC.; ET AL.

NO. 6:10-cv-329-LED

JURY

PLAINTIFF'S ANSWER TO KMART'S COUNTERCLAIMS

Plaintiff AdjustaCam LLC (“AdjustaCam”) answers the counterclaims (Dkt No. 250) of Defendant Kmart Corp. (“KMart”), by corresponding paragraph number, as follows:

1. Admitted as to subject matter jurisdiction over counterclaims. Denied as to merits of counterclaims. Denied that KMart is entitled to any declaratory relief. Otherwise, denied.
2. Admitted as to venue over counterclaims. Denied as to merits of counterclaims.
3. Admitted that Plaintiff is the assignee of the exclusive license to all substantial rights to the ‘343 Patent, including the right to bring this suit and to recover for damages.
4. Admitted that Plaintiff’s infringement assertions comprise such, as set forth more specifically in Plaintiff’s Complaint, as amended.
- 5-8. Denied.
9. Admitted as to subject matter jurisdiction over counterclaims. Denied as to merits of counterclaims. Denied that KMart is entitled to any declaratory relief. Otherwise, denied.
10. Denied. However, admitted that Plaintiff contends it is entitled to an exceptional case finding against KMart.
11. Denied.
12. To the extent necessary, AdjustaCam denies that KMart is entitled to the relief requested in its prayer for relief. In addition, to the extent necessary, AdjustaCam generally

denies any allegation in the counterclaims not specifically admitted above, and AdjustaCam re-alleges infringement, validity, enforceability and damages, and denies any allegations in the counterclaim adverse to same.

PRAYER FOR RELIEF

WHEREFORE, AdjustaCam respectfully requests that this Court enter judgment denying and dismissing KMart's counterclaims, and that the Court enter judgment in favor of AdjustaCam as requested in AdjustaCam's complaint, as amended or supplemented.

October 25, 2010

Respectfully submitted,

ADJUSTACAM LLC

By: /s/ John J. Edmonds
John J. Edmonds – LEAD COUNSEL
Texas Bar No. 789758
Michael J. Collins
Texas Bar No. 4614510
Erick Robinson
Texas Bar No. 24039142
COLLINS, EDMONDS & POGORZELSKI, PLLC
1616 S. Voss Road, Suite 125
Houston, Texas 77057
Telephone: (281) 501-3425
Facsimile: (832) 415-2535
jedmonds@cepiplaw.com
mcollins@cepiplaw.com
erobinson@cepiplaw.com

Andrew W. Spangler
Texas Bar No. 24041960
Spangler Law P.C.
208 N. Green Street, Suite 300
Longview, Texas 75601
(903) 753-9300
(903) 553-0403 (fax)
spangler@spanglerlawpc.com

ATTORNEYS FOR PLAINTIFF
ADJUSTACAM LLC

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

October 25, 2010

/s/ John J. Edmonds

John J. Edmonds